

### Amendments to the Claims

Following is a listing of all claims in the present application, which listing supersedes all previously presented claims:

#### Listing of Claims:

1. (Canceled).
2. (Currently Amended) A method of ~~making an~~ forming a refractive optical element on a first surface of a substrate already having ~~features with a vertical dimension~~ diffractive optical element thereon, the method comprising:
  - creating a pattern for the refractive optical element on the first surface of the substrate, in a separate portion of the substrate from the diffractive optical element ~~features~~;
  - providing a protective layer over the diffractive optical element ~~features~~;
  - transferring the pattern into the substrate using an analog etch to form the refractive optical element, the protective layer protecting the diffractive optical element ~~features~~ during ~~said the~~ transferring; and
  - removing the protective layer.
3. (Currently Amended) The method ~~[[of]]~~ as claimed in claim 2, wherein ~~said the~~ providing the protective layer includes providing a layer more resistant to ~~said the~~ analog etch than ~~said the~~ pattern.
4. (Currently Amended) The method ~~[[of]]~~ as claimed in claim 2, wherein ~~said the~~ providing the protective layer includes providing a layer of a same material as the pattern that is thicker than the pattern.

5. (Currently Amended) The method ~~[[of]]~~ as claimed in claim 2, wherein ~~said~~ the providing the protective layer includes providing a layer less resistant to ~~said~~ the analog etch than ~~said~~ the pattern, the layer being thicker than the pattern.

6. (Currently Amended) The method ~~[[of]]~~ as claimed in claim 2, wherein ~~said~~ the providing the protective layer includes providing a layer having a same material as the substrate.

7. (Currently Amended) The method ~~[[of]]~~ as claimed in claim 2, wherein ~~said~~ the creating and providing are simultaneous.

8. (Currently Amended) The method ~~[[of]]~~ as claimed in claim 2, wherein ~~said~~ the creating occurs after ~~said~~ the providing.

9. (Currently Amended) The method ~~[[of]]~~ as claimed in claim 2, wherein ~~said~~ the removing occurs during ~~said~~ the transferring.

10. (Currently Amended) The method ~~[[of]]~~ as claimed in claim 2, further comprising stabilizing the pattern.

11. (Canceled).

12. (Canceled).
13. (Currently Amended) The method ~~[[of]]~~ as claimed in claim [[12]] 2, wherein ~~said the~~ creating the pattern for the refractive optical element includes reflowing photoresist.
14. (Currently Amended) The method ~~[[of]]~~ as claimed in claim 13, wherein the providing the protective layer includes providing a layer which maintains substantially all of its vertical dimension during ~~said the~~ reflowing.
15. (Currently Amended) The method ~~[[of]]~~ as claimed in claim 2, wherein ~~said the~~ providing a protective layer includes providing a lift off layer over a region in which the refractive optical element is to be formed, providing the protective layer over the first surface, and lifting off the protective layer in the region.
16. (Currently Amended) The method ~~[[of]]~~ as claimed in claim 2, further comprising wherein the features are alignment feature on the first surface.
17. (Currently Amended) The method ~~[[of]]~~ as claimed in claim 2, further comprising wherein the features are electro-optical elements on the first surface.
18. (Currently Amended) The method ~~[[of]]~~ as claimed in claim 2, further comprising wherein the features are metal portions on the first surface.

19. (Currently Amended) The method ~~[[of]]~~ as claimed in claim 2, further comprising wherein the features are one of dichroic portions and dielectric portions on the first surface.

20. (Currently Amended) The method ~~[[of]]~~ as claimed in claim 2, wherein said the providing the protective layer includes die bonding protective portions over the diffractive optical element features.

21. (Currently Amended) A method of making different optical elements ~~[[in]]~~ on a first surface of a substrate, the method comprising:

- forming a refractive first optical element on the first surface of the substrate;
- creating a pattern for a diffractive second optical element on the first surface of the substrate, in a separate portion of the substrate from the refractive first optical element;
- providing a protective layer over the refractive first optical element;
- transferring the pattern into the substrate to form the diffractive second optical element, the protective layer protecting the refractive first optical element ~~features~~ during ~~said~~ the transferring; and
- removing the protective layer.

22. (Currently Amended) The method ~~[[of]]~~ as claimed in claim 21, wherein said the providing the protective layer includes providing a layer more resistant to ~~said the~~ etch than ~~said the~~ pattern.

23. (Currently Amended) The method ~~[[of]]~~ as claimed in claim 21, wherein ~~said~~ the providing the protective layer includes providing a layer of a same material as the pattern that is thicker than the pattern.

24. (Currently Amended) The method ~~[[of]]~~ as claimed in claim 21, wherein ~~said~~ the providing the protective layer includes providing a layer less resistant to ~~said~~ the etch than ~~said~~ the pattern, the layer being thicker than the pattern.

25. (Currently Amended) The method ~~[[of]]~~ as claimed in claim 2, wherein ~~said~~ the providing the protective layer includes providing a layer having a same material as the substrate.

26. (Currently Amended) The method ~~[[of]]~~ as claimed in claim 21, wherein ~~said~~ the creating occurs after ~~said~~ the providing.

27. (Currently Amended) The method ~~[[of]]~~ as claimed in claim 21, wherein ~~said~~ the removing occurs during ~~said~~ the transferring.

28. (Currently Amended) The method ~~[[of]]~~ as claimed in claim 21, further comprising stabilizing the pattern.

29. (Canceled).

30. (Currently Amended) The method ~~[[of]]~~ as claimed in claim [[29]] 21,  
wherein ~~said~~ the creating the pattern for the diffractive optical element includes coating the  
first surface with a photoresist.

31. (Currently Amended) The method ~~[[of]]~~ as claimed in claim 30, wherein the  
providing the protective layer is achieved with ~~said~~ the coating.

32. (Currently Amended) The method ~~[[of]]~~ as claimed in claim 30, wherein ~~said~~  
the coating includes one of spray coating and solvent assisted coating.

33. (Currently Amended) The method ~~[[of]]~~ as claimed in claim 30, wherein ~~said~~  
the providing the protective layer includes die bonding protective portions over the ~~features~~  
refractive optical element.

34. (Currently Amended) ~~[[The]]~~ A method of ~~claim 21, wherein the first optical~~  
~~element is~~ making different optical elements on a first surface of a substrate, the method  
comprising:

forming a diffractive optical element on the first surface of the substrate;

creating a pattern for the second optical element is a refractive optical element on the  
first surface of the substrate, in a separate portion of the substrate from the diffractive optical  
element;

providing a protective layer over the diffractive optical element;

transferring the pattern into the substrate to form the refractive optical element, the

protective layer protecting the diffractive optical element during the transferring; and  
removing the protective layer.

35. (Currently Amended) The method ~~[[of]]~~ as claimed in claim 34, wherein ~~said~~  
the creating the pattern for the refractive optical element includes reflowing photoresist.